

REMARKS

Claims 28 and 29 are pending as shown above and are variously rejected under 35 U.S.C. § 112, first paragraph. Claim 28 has been amended as shown above to make explicit that expression of the light-generating protein is indicative of angiogenesis, as described throughout the specification as filed, for example on page 74, lines 20-21. As previously noted, the claims clearly recited the expression of the light-generating protein was mediated by the claimed cis-acting sequence, namely a sequence derived from a VEGF2 promoter. The specification clearly teaches that, when operably linked to a light-generating protein reporter, the claimed cis-acting sequences are useful for screening for modulation of VEGFR2-mediated angiogenesis. Accordingly, no new matter has been added by the amendments shown above and, indeed, the amendments merely makes explicit that which was previously implicit.

Drawings

The specification was objected to for failing to describe all pages of the Figures. As shown above, the appropriate paragraphs describing Figure 3C, 4B and 15 have been amended to describe all pages of these Figures. Accordingly, the objection has been obviated.

Applicants acknowledge receipt of the Draftsperson's PTO Form 948 and will submit corrected formal drawings under separate cover.

Rejection Under 35 U.S.C. §112, First Paragraph, Written Description

Claims 28 and 29 remain rejected under 35 U.S.C. §112, first paragraph, as allegedly not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the Office notes that a phenotype (*e.g.*, expression of the reporter gene) was not positively recited and that "recitation of the phenotype in the claim will obviate the rejection." (Office Action, page 3).

Applicants have amended the claims as shown above to make explicit the phenotype that was previously implicit. In particular, claim 28 now indicates that expression of the light-generating reporter protein is increased during angiogenesis. Accordingly, this rejection has been obviated.

Rejection Under 35 U.S.C. § 112, First Paragraph, Enablement

All examined claims are rejected under 35 U.S.C. § 112, first paragraph as allegedly not enabled by the specification as filed. (Office Action, pages 2-3). The Office acknowledges that

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the specification fully enables the claims as pending. (Office Action, paragraph 4). Therefore, in view of the foregoing amendments and remarks of record, Applicants respectfully request withdrawal of this rejection.

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CONCLUSION

Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. §112 and define an invention that is patentable over the art. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.


If the Examiner notes any further matters that the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

Please direct all further communications in this application to:

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